

PCT COOPERATION TREATY

PCT**NOTIFICATION OF WITHDRAWAL
OF PRIORITY CLAIM**(PCT Rule 90bis.3 and
Administrative Instructions, Section 415(a) and (b))

From the INTERNATIONAL BUREAU

To:

ROYSTONS
Tower Building
Water Street
Liverpool L3 1BA
Merseyside
ROYAUME-UNI

Date of mailing (day/month/year) 17 August 2000 (17.08.00)	IMPORTANT NOTIFICATION International filing date (day/month/year) 09 March 2000 (09.03.00)
Applicant's or agent's file reference	
International application No. PCT/GB00/00865	
Applicant LOVESGROVE RESEARCH LIMITED	

1. The applicant is hereby notified that the **priority claim made in the international application has been withdrawn** in accordance with a notice of withdrawal received from the applicant on:

11 August 2000 (11.08.00)

The attention of the applicant is drawn to the fact that the withdrawal of the priority claim will result in the re-calculation of time limits which have not already expired (see Rule 90bis.3(d)).

2. ☐ In the case where multiple priorities have been claimed, the above action relates to the following priority claim(s):

17 March 1999 9906080.8

GB

3. A copy of this notification has been sent to the receiving Office and to:

- ☒ the International Searching Authority (*where the international search report has not yet been issued*)
☒ the designated Offices (*which have already been notified of the receipt of the record copy*)
☐ the International Preliminary Examining Authority

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer R. Raissi Telephone No. (41-22) 338.83.38
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PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION CONCERNING
SUBMISSION OR TRANSMITTAL
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

To:

ROYSTONS
Tower Building
Water Street
Liverpool L3 1BA
Merseyside
ROYAUME-UNI

Date of mailing (day/month/year) 13 August 2001 (13.08.01)	
Applicant's or agent's file reference	IMPORTANT NOTIFICATION
International application No. PCT/GB00/00865	International filing date (day/month/year) 09 March 2000 (09.03.00)
International publication date (day/month/year) 01 March 2001 (01.03.01)	Priority date (day/month/year) 24 August 1999 (24.08.99)
Applicant LOVESGROVE RESEARCH LIMITED et al	

1. The applicant is hereby notified of the date of receipt (except where the letters "NR" appear in the right-hand column) by the International Bureau of the priority document(s) relating to the earlier application(s) indicated below. Unless otherwise indicated by an asterisk appearing next to a date of receipt, or by the letters "NR", in the right-hand column, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. This updates and replaces any previously issued notification concerning submission or transmittal of priority documents.
3. An asterisk(*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b). In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
4. The letters "NR" appearing in the right-hand column denote a priority document which was not received by the International Bureau or which the applicant did not request the receiving Office to prepare and transmit to the International Bureau, as provided by Rule 17.1(a) or (b), respectively. In such a case, **the attention of the applicant is directed** to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
24 Augu 1999 (24.08.99)	9919889.7	GB	13 Apri 2000 (13.04.00)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer David MALEK Telephone No. (41-22) 338.83.38
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PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 07 May 2001 (07.05.01)	Applicant's or agent's file reference
International application No. PCT/GB00/00865	
International filing date (day/month/year) 09 March 2000 (09.03.00)	Priority date (day/month/year) 24 August 1999 (24.08.99)
Applicant GARNETT, David, John	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 15 March 2001 (15.03.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Juan Cruz
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 00/ 00865	International filing date (day/month/year) 09/03/2000	(Earliest) Priority Date (day/month/year) 17/03/1999
Applicant LOVESGROVE RESEARCH LIMITED et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 5 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

COMPOSITIONS CONTAINING ESTHERS FOR TREATING PARASITIC INFESTATIONS OF ORGANISMS

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.2

Present claims 1-4,6-23 relate to a large number of possibilities, that is the treatment of parasitic infestations of organisms. Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the organisms referred to in the claims. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Consequently, the search has been carried out for those parts of the claims which appear to be supported and disclosed, namely those parts relating to the compounds to be used in the manufacture of a medicament for the treatment of parasitic infestations in animals and humans.

Claims searched completely: 5.
Claims searched incompletely: 1-4,6-23.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

INTERNATIONAL SEARCH REPORT

International Application No

T/GB 00/00865

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61K31/216 A61P33/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data, WPI Data, PAJ, EMBASE, MEDLINE, BIOSIS, SCISEARCH

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	AZIZ, N. H. ET AL: "Comparative antibacterial and antifungal effects of some phenolic compounds" MICROBIOS (1998), 93(374), 43-54 , XP000938201 page 43, paragraph 2 page 53, paragraph 1 page 49, paragraph 3 ---	1,2,8, 11-21
A	US 3 928 413 A (HENRICK CLIVE A ET AL) 23 December 1975 (1975-12-23) column 1, line 1 - line 24 ---	1-23
A	EP 0 428 276 A (TAKASAGO PERFUMERY CO LTD) 22 May 1991 (1991-05-22) page 2, line 1 - line 2 claim 1 --- -/--	1-23

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

20 October 2000

Date of mailing of the international search report

30/10/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Bonzano, C

INTERNATIONAL SEARCH REPORT

International Application No

T/GB 00/00865

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 4 477 361 A (SPERTI GEORGE S ET AL) 16 October 1984 (1984-10-16) column 1, line 38 - line 57 column 2, line 14 - line 23 ---	1-23
A	DATABASE WPI Section Ch, Week 199227 Derwent Publications Ltd., London, GB; Class C03, AN 1992-223400 XP002150518 & JP 04 149103 A (TAISHO PHARM CO LTD), 22 May 1992 (1992-05-22) abstract -----	1-23

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

/GB 00/00865

Patent document - cited in search report		Publication date	Patent family member(s)	Publication date
US 3928413	A	23-12-1975	US 3923871 A	02-12-1975
			DE 2452406 A	07-05-1975
			FR 2279716 A	20-02-1976
			JP 50071646 A	13-06-1975
			US 3975429 A	17-08-1976
			ZA 7406702 A	26-05-1976
			CA 1015372 A	09-08-1977
			CH 574211 A	15-04-1976
			DE 2325583 A	29-11-1973
			ES 414958 A	01-06-1976
			FR 2185611 A	04-01-1974
			GB 1420243 A	07-01-1976
			JP 49100220 A	21-09-1974
			NL 7307049 A	26-11-1973
			US 8350708 I	28-01-1975
			US 4008258 A	15-02-1977
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EP 0428276	A	22-05-1991	JP 2075073 C	25-07-1996
			JP 3133903 A	07-06-1991
			JP 7103001 B	08-11-1995
			DE 69032656 D	22-10-1998
			DE 69032656 T	18-03-1999
			EP 0846415 A	10-06-1998
			EP 0847693 A	17-06-1998
			EP 0847692 A	17-06-1998
			US 5180586 A	19-01-1993
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US 4477361	A	16-10-1984	NONE	
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JP 4149103	A	22-05-1992	NONE	
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PATENT COOPERATION TREATY

PCT

REC'D 04 DEC 2001

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

14

Applicant's or agent's file reference AJL/KJL/CT/P4257	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB00/00865	International filing date (day/month/year) 09/03/2000	Priority date (day/month/year) 24/08/1999
International Patent Classification (IPC) or national classification and IPC A61K31/216		
Applicant LOVESGROVE RESEARCH LIMITED et al.		



1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 15/03/2001	Date of completion of this report 30.11.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Markopoulos, E Telephone No. +49 89 2399 665E 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/00865

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1,2,4-19	as originally filed	
3	with telefax of	05/11/2001

Claims, No.:

1-18	with telefax of	05/11/2001
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Drawings, sheets:

1/7-7/7	as originally filed
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2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/00865

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-18
	No:	Claims	-
Inventive step (IS)	Yes:	Claims	1-18
	No:	Claims	-
Industrial applicability (IA)	Yes:	Claims	1-18
	No:	Claims	-

2. Citations and explanations
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/00865

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

- D1: AZIZ, N. H. ET AL: 'Comparative antibacterial and antifungal effects of some phenolic compounds' MICROBIOS (1998), 93(374), 43-54 , XP000938201
- D2: US-A-3 928 413 (HENRICK CLIVE A ET AL) 23 December 1975 (1975-12-23)
- D3: EP-A-0 428 276 (TAKASAGO PERFUMERY CO LTD) 22 May 1991 (1991-05-22)
- D4: DATABASE WPI Section Ch, Week 199227 Derwent Publications Ltd., London, GB; Class C03, AN 1992-223400 XP002150518 & JP 04 149103 A (TAISHO PHARM CO LTD), 22 May 1992 (1992-05-22)

2. The subject-matter of new claims 1-18 is novel in regard to the prior art at hand (Art. 33(2) PCT) for the following reasons:

D1 describes phenolic compounds such as ethyl-methoxy cinnamate having a bacteriostatic and fungistatic effect (p. 43, par. 2; p. 49, par. 3-4; p. 53, par. 1) but does not mention any other effects.

D2 - D4 claim compositions against mites as well as ticks comprising organic esters having a cyclopropane moiety e.g. cyclopropanemethyl-p-methoxycinnamate (D2) or compounds such as ethyl cinnamate, methyl cinnamate (D3, D4) whereby these compounds are applied to mites causing damage to plants such as spider mites (D2) or to house dust acari (D3, D4). The parasites claimed in the present claims of the application are not mentioned in D2-D4.

3. The problem to be solved by the present invention may be regarded as finding an alternative to D3 and D4 -which are regarded as closest prior art- of exterminating acari and other parasitic organisms which is safer to use and less damaging to the environment.

The solution proposed in claims 1-18 of the present application seems to involve an inventive step (Article 33(3) PCT) for the following reasons:

D3 and D4 refer to house or indoor dust acari that may infest floor coverings such as carpets or bedclothes. There is neither a suggestion as to the use of the claimed

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/00865

substances for the treatment of living organisms such as sheep and bees nor to the extermination of the specific mites as well as blowflies referred to in the present application. D2 relates to mites and ticks infestation of plants and does not mention infestations on animals or humans.

Therefore, the skilled in the art would not consider the use of the claimed substances for treatment in humans and animals, e.g. in livestock.

Re Item VIII

Certain observations on the international application

The dependance of claims 3 and 4 on claim 1 is not correct since claim 1 includes only the treatment of the four species of mites and no treatment of blowfly infestation (such as *L. sericata*).